

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNIVERSAL ENTERTAINMENT  
CORPORATION,

Plaintiff(s),

v.

ARUZE GAMING AMERICA, INC., et al.,

Defendant(s).

Case No.: 2:18-cv-00585-RFB-NJK

**ORDER**

17 On August 14, 2018, the Court granted the parties' stipulated protective order. Docket No.  
18 38. Pending before the Court is a motion for leave to file under seal the motion to modify the  
19 protective order in this case. Docket Nos. 128, 129. This order reminds counsel that there is a  
20 presumption of public access to judicial files and records. A party seeking to file a confidential  
21 document under seal must file a motion to seal and must comply with the Ninth Circuit's directives  
22 in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006).

23 The Court has adopted electronic filing procedures. Attorneys must file documents under  
24 seal using the Court's electronic filing procedures. *See* Local Rule IA 10-5. Papers filed with the  
25 Court under seal must be accompanied with a concurrently-filed motion for leave to file those  
26 documents under seal. *See* Local Rule IA 10-5(a).

27 The Court approved the blanket protective order to facilitate discovery exchanges. But  
28 **there has been no showing, and the Court has not found, that any specific documents are**

1 **secret or confidential**. The parties have not provided specific facts supported by declarations or  
2 concrete examples to establish that a protective order is required to protect any specific trade secret  
3 or other confidential information pursuant to Rule 26(c) or that disclosure would cause an  
4 identifiable and significant harm. The Ninth Circuit has held that there is a presumption of public  
5 access to judicial files and records, and that parties seeking to maintain the confidentiality of  
6 documents attached to nondispositive motions must show good cause exists to overcome the  
7 presumption of public access. *See Kamakana* 447 F.3d at 1179. Parties seeking to maintain the  
8 secrecy of documents attached to dispositive motions must show compelling reasons sufficient to  
9 overcome the presumption of public access. *Id.* at 1180. **All motions to seal must address the**  
10 **applicable standard and explain why that standard has been met.** The fact that a court has  
11 entered a blanket stipulated protective order and that a party has designated a document as  
12 confidential pursuant to that protective order does not, standing alone, establish sufficient grounds  
13 to seal a filed document. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1133 (9th  
14 Cir. 2003); *see also Beckman Indus., Inc. v. Int'l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992).

15 If the sole ground for a motion to seal is that the opposing party (or non-party) has  
16 designated a document as confidential, the designator shall file (within seven days of the filing of  
17 the motion to seal) either (1) a declaration establishing sufficient justification for sealing each  
18 document at issue or (2) a notice of withdrawal of the designation(s) and consent to unsealing. If  
19 neither filing is made, the Court may order the document(s) unsealed without further notice.

20 **IT IS ORDERED** that counsel shall comply with the requirements of Local Rule IA 10-  
21 5, the Ninth Circuit's decision in *Kamakana*, 447 F.3d 1172, and the procedures outlined above,  
22 with respect to any documents filed under seal. To the extent any aspect of the stipulated protective  
23 order may conflict with this order or Local Rule IA 10-5, that aspect of the stipulated protective  
24 order is hereby superseded with this order.

25 IT IS SO ORDERED.

26 Dated: December 16, 2019

27  
28   
Nancy J. Koppe  
United States Magistrate Judge